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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/740,269	KINSKY ET AL.	
	Examiner	Art Unit	
	DeWanda Samuel	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *18 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-9 and 11-30* is/are rejected.

7)☐ Claim(s) *6 and 10* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on *18 December 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Double Patenting

1. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

2. **Claims 1,3,4 5,7 and 8** are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over **claims 1,2,3 ,5,6 and 7** of U.S. Patent No.7,113,512 Although the conflicting claims are not identical, they are not patentably distinct from each other because ***.

Application 10,740,269	Patent 7,113,512
A method for notifying/communicating at least one failure message from at least one source to at least one destination, the source served by a first network and the destination served by a second network, comprising the steps of: receiving at an interworking facility a first frame which includes a failure notification message and a first destination address in	1. (Currently Amended) A method for communicating information from a source to a destination the source served by a first network and the destination served by a second network, comprised~ the steps of: receiving at an interworking facility a first frame which includes a payload and a first destination address in a first format

a first format compatible with said first network; forming a second frame of a second format compatible with the second network, the second frame including the failure notification message; and mapping the first destination address to a second destination address specifying in the second format the address of the destination in the second network so that the second network, upon receipt of the second destination address, can route the second frame to the destination.	compatible with said first network, the first destination address established by the intcrworking facility by resolving destinations available to the source through the second network; forming a second frame of a second format compatible with the second network, the second frame including the payload; and mapping the first destination address to a second destination address specifying in the second format the address of the destination in the second network so that the second network, upon receipt of the second destination address, can route the second frame to the destination.-~
Claim 3. The method according to claim 1 wherein the first frame has an Ethernet format and wherein the first destination address comprises a Virtual Local Area Network (VLAN) tag within the Ethernet-formatted first frame.	Claim 2. (Original) The method according to claim 1 wherein the first frame has an Ethernet format and wherein the first destination address comprises a Virtual Local Area Network tag within the Ethernet-formatted first frame.
Claim 4. The method according to claim 3 wherein the second frame has an Asynchronous Transport (ATM) format and wherein the second destination address comprises an ATM Permanent Virtual Circuit (PVC) tag.	3. (Original) The¢ method according to claim 1 wherein the second frame has an Asynchronous Transport (ATM) format and wherein the second destination address ¢comprises an ATM Virtual Private Network (VPN) Permanent Virtual Circuit (PVC).
Claim 5 The method according to claim 4 wherein the mapping of the first destination	Claim 5. (Original) The method according to claim 4 wherein the mapping of the first destination address to the second destination address comprises the step of

address to the second destination address comprises the step of mapping the VLAN tag to the ATM PVC VPI/VCI values.	mapping the VLA_N tag to the ATM VPN PVC.
Claim 7. The method according to claim 1 wherein the first flame has an Asynchronous Transport (ATM) format and wherein the first destination address comprises an ATM PVC VPI/VCI.	Claim 6. (Original) The method according to claim 1 wherein the first flame has an Asynchronous Transport (ATM) format and wherein the first destination address comprises an AT1VI Virtual Private Network (VPN) Permanent Virtual Circuit (PVC).
Claim 8. The method according to claim 7 wherein the second frame has an Ethemet format and wherein the second destination address comprises a VLAN tag within the Ethemet-formatted first frame.	Claim 7. (Original) The method according to claim 6 wherein the second frame has an Ethernet formal and wherein the second destination address comprises a Virtual Local Area Network (VLAN) tag within the Ethernet-formatted first frame.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claims 1** are rejected under 35 U.S.C. 103(a) as being unpatentable over Puppa et al. (EP 1320219) in view of Yokoyama (US Patent 6,947,739).

With regard to claim 1,Puppa discloses having a *method for notifying/communicating at least one failure message from at least one source to at least one destination, the source served by a first network and the destination served by a second network,* Puppa et al. discloses having a system and method for transmission of operation, administration and maintenance packets between ATM and switching networks upon failure (title). Puppa et al. further discloses having first communication network ("first network\k") comprising a OAM ("failure message") and a second communication network ("second network", page 2 paragraph 4-13).

comprising the steps of: receiving at an interworking facility a first frame which includes a failure notification message and a first destination address in a first format compatible with said first network; Puppa et al. discloses having a ATM network ("first network") detecting failure and upon failure an ATM OAM is generated and transmitted over ATM

network to inform ATM edge switches 110(1) and 110(3) of the failure(page 4 paragraph 34).

forming a second frame of a second format compatible with the second network, the second frame including the failure notification message; and Puppa discloses having ATM and MPLS format conversion ...translating ATM cells and frames to MPLS frames ("forming a second frame", page 4 paragraph 26)...MPLS network ("second network") comprised of a MPLS OAM frame ("second frame", page 5 paragraph 36).

mapping the first destination address to a second destination address specifying in the second format the address of the destination in the second network so that the second network, upon receipt of the second destination address, can route the second frame to the destination. Puppa et al. discloses having a first and second network (page 3 paragraph 21-25). However, Puppa et al. does not explicitly discloses mapping the first destination address to a second destination address specifying in the second format the address of the destination in the second network so that the second network, upon receipt of the second destination address, can route the second frame to the destination. Yokoyama discloses mapping a VLAN tag ("first address") to a VPI/VCI ("second address") for connection customer stations (column 4 line 1-67).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have first and second network as taught by Puppa et al. mapping a VLAN tag ("first address") to a VPI/VCI ("second address") for

connection customer stations as taught by Yokoyama providing a mechanism for efficiently routing information to a specific network.

With regard to claim 2, in combination Puppa et al. and Yokoyama teaches the method recited in claim 1. *wherein said failure notification message includes automated Operations, Administration and Management traffic.* (page 3 paragraph 19 and 20).

With regard to claim 11, in combination Puppa et al. Yokoyama teaches the method recited in claim 1. *wherein said failure notification message includes failure in a link between the source and the first network.* Puppa et al. discloses having a ATM network detecting a failure with a element("source") in a routing path...and genetaing a ATM OAM ("failure notification", page 4 paragraph 34).

With regard to claim 12, in combination Puppa et al. and Yokoyama, teaches the method recited in claim 11. *wherein said link failure is detected by the source.* Puppa et al. discloses having a ATM network detecting a failure (page 4 paragraph 34).

With regard to claim 13, in combination Puppa et al. and Yokoyama teaches the method recited in claim 11. *wherein said link failure is detected by the first network.* Puppa et al. discloses having a ATM network detecting a failure (page 4 paragraph 34).

With regard to claim 14, in combination Puppa et al. and Yokoyama, teaches the method recited in claim 11.*wherein said source is an Ethernet router and said first network is an Ethernet network.* Puppa et al. discloses having a MPLS switch 118 ("Ethernet router", fig. 4). It is know in the art that different network devices can be implemented to the specific design of the network.

With regard to claim 15, in combination Puppa et al. and Yokoyama teaches the method recited in claim 11. *wherein said source is an ATM router and first network is an ATM network.* Puppa et al. discloses having a ATM switch 106 ("ATM router" fig.4).

With regard to claim 16, in combination Puppa et al. and Yokoyama teaches the method recited in claim 1. *wherein said failure notification message includes multiple failures in links between the sources and the first network.* Puppa et al. discloses having multiple failures within the MPLS network ("first network", page 5 paragraph 35).

With regard to claim 17, in combination Puppa et al. and Yokoyama teaches the method recited in claim 1. *wherein said multiple link failures are detected by the first*

network. Puppa et al. discloses having multiple failures detected by the MPLS network ("first network", page 5 paragraph 35).

With regard to claim 18, in combination Puppa et al. and Yokoyama teaches the method recited in claim 1. *wherein said first network is an Ethernet network.* Puppa et al. discloses having multiple failures detected by the MPLS network ("first network", page 5 paragraph 35). It is know in the art that a MPLS or Ethernet network ca be implemented.

With regard to claim 19, in combination Puppa et al. and Yokoyama teaches the method recited in claim 17. *wherein said first network is an ATM network.* Puppa et al. discloses having a ATM network ("first network", fig.4).

With regard to claim 20, Puppa et al. discloses having a *network system for notifying/communicating at least one failure message from at least one source to at least one destination,* Puppa et al. discloses having a system and method for transmission of operation, administration and maintenance packets between ATM and switching networks upon failure (title). Puppa et al. further discloses having first communication network ("first network\k") comprising a OAM ("failure message") and a second communication network ("second network", page 2 paragraph 4-13).

said system comprising: a first network associated with the source, generates a first frame, said first frame includes a failure notification message and a first destination address in a first format compatible with the first network; Puppa et al. discloses having a ATM network ("first network") detecting failure and upon failure an ATM OAM is generated and transmitted over ATM network to inform ATM edge switches 110(1) and 110(3) of the failure(page 4 paragraph 34).

a second network associated with the destination having a second destination address; Puppa discloses having MPLS network ("second network") comprised of a MPLS OAM frame ("second frame", page 5 paragraph 36). It is known in art that a network can be have a destination address.

and an interworking facility receives the first frame, forms a second frame of a second format compatible with the second network, Puppa discloses having ATM and MPLS format conversion ...translating ATM cells and frames to MPLS frames ("forming a second frame", page 4 paragraph 26)...MPLS network ("second network") comprised of a MPLS OAM frame ("second frame", page 5 paragraph 36).

and maps the first destination address to a second destination address specifying in the second format the destination address in the second network, so that the second network upon receipt of the second destination address routes the second frame to the destination, Puppa et al. discloses having a first and second network (page 3 paragraph 21-25). However, Puppa et al. does not explicitly discloses mapping the first destination address to a second destination address specifying in the second format the address of the destination in the second network so that the second network, upon receipt of the second destination address, can route the second frame to the destination. Yokoyama discloses mapping a VLAN tag ("first address") to a VPI/VCI ("second address") for connection customer stations (column 4 line 1-67).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have first and second network as taught by Puppa et al. mapping a VLAN tag ("first address") to a VPI/VCI ("second address") for connection customer stations as taught by Yokoyama providing a mechanism for efficiently routing information to a specific network.

wherein said second frame includes the failure notification message. Puppa et al. discloses having a MPLS OAM frames ("second frame", page 5 paragraph 35)

With regard to claim 21, in combination Puppa et al. and Yokoyama teaches the system recited in claim 20. *wherein said failure notification message includes automated Operations, Administration and Management traffic.* (page 3 paragraph 19 and 20).

With regard to claim 26, in combination Puppa et al. and Yokoyama teaches the system recited in claim 20. *wherein said source includes at least one Ethernet router.* Puppa et al. discloses having a MPLS switch 118 ("Ethernet router", fig. 4). It is know in the art that different network devices can be implemented to the specific design of the network.

With regard to claim 27, in combination Puppa et al. and Yokoyama teaches the system recited in claim 20. *wherein said destination includes at least one ATM router.* Puppa et al. discloses having a ATM switch 106 ("ATM router" fig.4). It is know in the art that different network devices can be implemented to the specific design of the network.

With regard to claim 28, in combination Puppa et al. and teaches the system recited in claim 20. *wherein said destination includes at least one frame relay router.*

Puppa et al. discloses having a ATM switch 106 ("frame relay router" fig.4).

With regard to claim 29, in combination Puppa et al. and Yokoyama teaches the system recited in claim 20. *wherein said interworking facility includes Ethernet Interworking Switch.* Puppa et al. discloses having a ATM/MPLS edge switch 122 ("Ethernet Interworking Switch" connected between a ATM network and a MPLS network.

With regard to claim 30, in combination Puppa et al. and Yokoyama teaches the system recited in claim 20. *wherein said second network includes Frame Relay Edge Switch.* Puppa et al. discloses having a ATM edge switch 110(2) in fig. 5 (page 7 paragraph 59).

6. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over Puppa et al. (EP 1320219) and Yokoyama (US Patent 6,947,739) as applied to claim 1 above, and further in view of Mohan et al. (PG PUB 2004/0099949).

With regard to claim 3, in combination Puppa et al. and teaches the method recited in claim 1. *wherein the first frame has an Ethernet format and wherein the first destination address comprises a Virtual Local Area Network (VLAN) tag within the*

Ethernet-formatted first frame. Puppa et al. discloses having a MPLS frame ("first frame", page 4 paragraph 26). However, Puppa et al. does not disclose Ethemet format and wherein the first destination address comprises a Virtual Local Area Network (VLAN) tag within the Ethernet-formatted first frame. Mohan et al. discloses having Ethernet OAM domains and Ethernet OAM frame format (title). Mohan further discloses network providers use Ethernet technology in their carrier networks, Ethernet OAM should be able to operate within a domain , between domains(such as between domains owned by one provider or between domains owned by multiple providers, page 3 paragraph 31) . In addition , Mohan discloses Ethernet OAM frame format ("Ethernet format") ...an optional VLAN tag may be used to identify a VLAN ...the VLAN tag may also be used for other purposes as well (page 5 paragraph 79).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have a MPLS as taught by Puppa et al. further implementing a Ethernet OAM frame format ("Ethernet format") ...an optional VLAN tag may be used to identify a VLAN as taught by Mohan efficiently identifying a specific VLAN within a network.

7. Claims 4, 5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Puppa et al. (EP 1320219) and Yokoyama (US Patent 6,947,739) and Mohan et al. (PG PUB 2004/0099949) as applied to claim 3 above, and further in view of Fischer et al. (PG PUB 2004/0202199).

With regard to claim 4, in combination Puppa et al. Yokoyama and Mohan teaches the method recited in claim 3. *wherein the second frame has an Asynchronous Transport (ATM) format and wherein the second destination address comprises an ATM Permanent Virtual Circuit (PVC) tag.* Puppa te al. discloses having a ATM cell ("Asynchronous Transport", page 3 paragraph 21) . However Puppa et al. does not explicitly discloses second destination address comprises an ATM Permanent Virtual Circuit (PVC) tag. Fischer et al. discloses having address resolution in IP interworking layer 2 point-to-point connection (title). Fischer et al. further discloses a ATM data in fig. 3 comprised of VPI/VCI ("PVC tag", page 2 paragraph 11 and 19).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have a ATM cell ("Asynchronous Transport") as taught by Puppa et al. comprised of a of VPI/VCI ("PVC tag") as taught by Fischer providing a virtual dedicated line within the network.

With regard to claim 5, in combination Puppa et al., Yokoyama, Mohan and Fischer et al. teaches the method recited in claim 4. *wherein the mapping of the first destination address to the second destination address comprises the step of mapping the VLAN tag to the ATM PVC VPI/VCI values.* Puppa et al. discloses having a ATM cells 300 comprised of header including destination information...a MPLS frame 312

comprised of second label 320 contains connection information (page 4 paragraph 27 and 28). However, Puppa et al. does not explicitly discloses mapping of the first destination address to the second destination address comprises the step of mapping the VLAN tag to the ATM PVC VPI/VCI values. Yokoyama discloses having VLAN tags are associated with information VPI/VCI specifying a connection with a path of the ATM trunk network (column 6 line 37-44).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have a ATM cells 300 comprised of header including destination information as taught by Puppa et al. further mapping discloses having VLAN tags are associated with information VPI/VCI specifying a connection witha path of the ATM trunk network as taught by Yokoyama providing a virtual dedicated line within the network.

8. **Claim 8** rejected under 35 U.S.C. 103(a) as being unpatentable over Puppa et al. (EP 1320219) and Yokoyama (US Patent 6,947,739) and Fischer et al. (PG PUB 2004/0202199) as applied to claim 7 above, and further in view of Mohan et al. (PG PUB 2004/0099949).

With regard to claim 8, in combination Puppa et al. ,Yokoyama, Fischer et al. teaches the method recited in claim 7. *wherein the second frame has an Ethernet*

format and wherein the second destination address comprises a VLAN tag within the Ethernet-formatted first frame. Puppa et al. discloses having a MPLS frame ("first frame", page 4 paragraph 26). However, Puppa et al. does not disclose Ethernet format and wherein the first destination address comprises a Virtual Local Area Network (VLAN) tag within the Ethernet-formatted first frame. Mohan et al. discloses having Ethernet OAM domains and Ethernet OAM frame format (title). Mohan further discloses network providers use Ethernet technology in their carrier networks, Ethernet OAM should be able to operate within a domain , between domains(such as between domains owned by one provider or between domains owned by multiple providers, page 3 paragraph 31) . In addition , Mohan discloses Ethernet OAM frame format ("Ethernet format") ...an optional VLAN tag may be used to identify a VLAN ...the VLAN tag may also be used for other purposes as well (page 5 paragraph 79).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have a MPLS as taught by Puppa et al. further implementing a Ethernet OAM frame format ("Ethernet format") ...an optional VLAN tag may be used to identify a VLAN as taught by Mohan efficiently identifying a specific VLAN within a network.

With regard to claim 9, in combination Puppa et al., Yokoyama, Fischer et al. and Mohan teaches the method recited in claim 8. *wherein the mapping of the first destination address to the second destination address comprises the step of mapping*

the ATM PVC VPI/VCI to the VLAN tag. Puppa et al. discloses having a ATM cells 300 comprised of header including destination information...a MPLS frame 312 comprised of second label 320 contains connection information (page 4 paragraph 27 and 28). However, Puppa et al. does not explicitly discloses mapping of the first destination address to the second destination address comprises the step of mapping the VLAN tag to the ATM PVC VPI/VCI values. Yokoyama discloses having VLAN tags are associated with information VPI/VCI specifying a connection wit a path of the ATM trunk network (column 6 line 37-44).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have a ATM cell ("Asynchronous Transport") as taught by Puppa et al. comprised of a of VPI/VCI ("PVC tag") as taught by Yokoyama providing a virtual dedicated line within the network.

9. **Claim 22** is rejected under 35 U.S.C. 103(a) as being unpatentable over Puppa et al. (EP 1320219) and Yokoyama (US Patent 6,947,739) as applied to claim 20 above, and further in view of Mohan et al. (PG PUB 2004/0099949).

With regard to claim 22 in combination Puppa et al. and Yokoyama teaches the system recited in claim 20. *wherein the first frame has an Ethernet format and wherein the first destination address comprises a Virtual Local Area Network (VLAN) tag within the Ethernet-formatted first frame.* Puppa et al. discloses having a MPLS frame ("first

frame", page 4 paragraph 26). However, Puppa et al. does not disclose Ethernet format and wherein the first destination address comprises a Virtual Local Area Network (VLAN) tag within the Ethernet-formatted first frame. Mohan et al. discloses having Ethernet OAM domains and Ethernet OAM frame format (title). Mohan further discloses network providers use Ethernet technology in their carrier networks, Ethernet OAM should be able to operate within a domain , between domains(such as between domains owned by one provider or between domains owned by multiple providers, page 3 paragraph 31) . In addition , Mohan discloses Ethernet OAM frame format ("Ethernet format") ...an optional VLAN tag may be used to identify a VLAN ...the VLAN tag may also be used for other purposes as well (page 5 paragraph 79).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have a MPLS as taught by Puppa et al. further implementing a Ethernet OAM frame format ("Ethernet format") ...an optional VLAN tag may be used to identify a VLAN as taught by Mohan efficiently identifying a specific VLAN within a network.

10. Claims 7 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Puppa et al. (EP 1320219) and Yokoyama (US Patent 6,947,739) as applied to claims 1 and 20 above, and further in view of Fischer et al. (PG PUB 20040202199).

With regard to claim 7, in combination Puppa et al. and Yokoyama teaches the method recited in claim 1.*wherein the first frame has an Asynchronous Transport (ATM) format and wherein the first destination address comprises an ATM PVC VPI/VCI.* Puppa te al. discloses having a ATM cell ("Asynchronous Transport" page 3 paragraph 21-25) . However Puppa et al. does not explicitly discloses second destination address comprises an ATM Permanent Virtual Circuit (PVC) tag. Fischer et al. discloses having address resolution in IP interworking layer 2 point-to-point connection (title). Fischer et al. further discloses a ATM data in fig. 3 comprised of VPI/VCI ("PVC tag", page 2 paragraph 11 and 19).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have a ATM cell ("Asynchronous Transport") as taught by Puppa et al. comprised of a of VPI/VCI ("PVC tag") as taught by Fischer providing a virtual dedicated line within the network.

With regard to claim 23, in combination Puppa et al. and Yokoyama teaches the system recited in claim 20. *wherein the second frame has an Asynchronous Transport (ATM) format and wherein the second destination address comprises an ATM Permanent Virtual Circuit (PVC) VPI/VCI value.* . Puppa te al. discloses having a ATM cell ("Asynchronous Transport") . However Puppa et al. does not explicitly discloses second destination address comprises an ATM Permanent Virtual Circuit (PVC) tag.

Fischer et al. discloses having address resolution in IP interworking layer 2 point-to-point connection (title). Fischer et al. further discloses a ATM data in fig. 3 comprised of VPI/VCI ("PVC tag", page 2 paragraph 11 and 19).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have a ATM cell ("Asynchronous Transport") as taught by Puppa et al. comprised of a of VPI/VCI ("PVC tag") as taught by Fischer providing a virtual dedicated line within the network.

With regard to claim 24, in combination Puppa et al. and Yokoyama teaches the system recited in claim 20.*wherein the first frame has an Asynchronous Transport (ATM) format and wherein the first destination address comprises an ATM PVC VPI/VCI value.*. Puppa te al. discloses having a ATM cell ("Asynchronous Transport") . However Puppa et al. does not explicitly discloses second destination address comprises an ATM Permanent Virtual Circuit (PVC) tag. Fischer et al. discloses having address resolution in IP interworking layer 2 point-to-point connection (title). Fischer et al. further discloses a ATM data in fig. 3 comprised of VPI/VCI ("PVC tag", page 2 paragraph 11 and 19).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have a ATM cell ("Asynchronous Transport") as

taught by Puppa et al. comprised of a of VPI/VCI ("PVC tag") as taught by Fischer providing a virtual dedicated line within the network.

With regard to claim 25, in combination Puppa et al., Yokoyama and Fischer teaches the system recited in claim 24. *wherein the second flame has an Ethernet format and wherein the second destination address comprises a VLAN tag within the Ethernet-formatted first frame.* Puppa et al. discloses having a MPLS frame ("first frame", page 4 paragraph 26). However, Puppa et al. does not disclose second flame has an Ethernet format and wherein the second destination address comprises a VLAN tag within the Ethernet-formatted first frame. Mohan et al. discloses having Ethernet OAM domains and Ethernet OAM frame format (title). Mohan further discloses network providers use Ethernet technology in their carrier networks, Ethernet OAM should be able to operate within a domain , between domains(such as between domains owned by one provider or between domains owned by multiple providers, page 3 paragraph 31) . In addition , Mohan discloses Ethernet OAM frame format ("Ethernet format") ...an optional VLAN tag may be used to identify a VLAN ...the VLAN tag may also be used for other purposes as well (page 5 paragraph 79).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to have a MPLS as taught by Puppa et al. further implementing a Ethernet OAM frame format ("Ethernet format") ...an optional VLAN tag

may be used to identify a VLAN as taught by Mohan efficiently identifying a specific VLAN within a network.

Allowable Subject Matter

11. **Claims 6 and 10** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior Art

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mancour (US Patent 7,009,983) discloses having methods and apparatus for broad cast domain interworking .

Mohan (PG PUB 2005/0099952) discloses having an Ethernet OAM performance management.

Mohan (PG PUB 2005/0099951) discloses having Ethernet OAM fault detection and verification.

Akita et al. (US Patent 6,775,239) discloses having checking communication-path data in MPLS communication scheme.

Alcatel ("End-to-End Ethernet connectivity Fault Management in Metro and Access networks") .

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DeWanda Samuel whose telephone number is (571) 270-1213. The examiner can normally be reached on Monday- Thursday 8:30-5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DeWanda Samuel

RICKY Q. NGO
SUPERVISORY PATENT EXAMINER